

## **REMARKS**

### **I. Introduction**

With the addition of new claims 50 and 51, claims 1 to 9, 11 to 16, 19 to 21 and 37 to 51 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Rejection of Claims 1 to 3 and 40 to 44 Under 35 U.S.C. § 102(e)**

Claims 1 to 3 and 40 to 44 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,547,721 ("Higuma et al."). It is respectfully submitted that Higuma et al. do not anticipate claims 1 to 3 and 40 to 44 as amended herein for at least the following reasons.

Claim 1 relates to a flexible shaft. As amended herein without prejudice, claim 1 recites that the shaft includes a moisture sensor disposed within the outer sheath configured to communicate **sensor** data corresponding to the presence of moisture within the outer sheath. Support for this amendment may be found, for example, at page 39, lines 29 to 32 and at page 40, lines 5 to 10 of the Specification. Claim 40 has been amended herein in like manner.

Higuma et al., relating to an endoscope capable of being autoclaved, describe a moisture absorptive member disposed within an armor tube. While Applicant disagrees with the Examiner's contention that the absorptive member communicates data corresponding to the presence of moisture, Applicant has further amended the claims herein in order to facilitate prosecution. As the Examiner indicates, at page 3, lines 4 to 7 of the Office Action of October 2, 2006, the communication disclosed by Higuma et al. consists of the **physical appearance** of the absorptive member (indicating the need for removal and replacement). In this regard, Higuma et al. do not teach, or even suggest, a moisture sensor configured to communicate **sensor** data corresponding to the presence of moisture. As such, it is respectfully submitted that Higuma et al. do not anticipate claim 1 or claim 40 as amended herein.

As for claims 2 and 3, which ultimately depend from claim 1 and therefore include all of the features included in claim 1, it is respectfully submitted

that Higuma et al. do anticipate dependent claims 2 and 3 for at least the same reasons more fully set forth above in support of the patentability of claim 1.

As for claims 41 to 44, which depend from claim 40 and therefore include all of the features of claim 40, it is respectfully submitted that Higuma et al. do not anticipate dependent claims 41 to 44 for at least the same reasons more fully set forth above in support of the patentability of claim 40.

**III. Rejection of Claims 7 to 9, 11 to 16, 19, 48, and 49 Under 35 U.S.C. § 103(a)**

Claims 7 to 9, 11 to 16, 19, 48, and 49 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Higuma et al. and U.S. Patent No. 6,071,233 ("Ishikawa et al.").

It is respectfully submitted that the combination of Higuma et al. and Ishikawa et al. does not render unpatentable the present claims for at least the following reasons. As more fully set forth above, claims 1 and 40 have been amended herein without prejudice to recite a moisture sensor disposed within an outer sheath configured to communicate sensor data corresponding to the presence of moisture within the outer sheath. Claim 11 has been amended herein in like manner. As further set forth above, Higuma et al. do not disclose, or even suggest, a moisture sensor configured to communicate sensor data corresponding to the presence of moisture. In this regard, Ishikawa et al. also fail to disclose, or even suggest, this feature. As such, it is respectfully submitted that the combination of Higuma et al. and Ishikawa et al. does not render unpatentable amended claims 1, 11, or 40.

As for claims 7 to 9, which ultimately depend from claim 1 and therefore include all of the features of claim 1, it is respectfully submitted that the combination of Higuma et al. and Ishikawa et al. does not render unpatentable these dependant claims for at least the same reasons more fully set forth above in support of the patentability of claim 1.

As for claims 12 to 16 and 19, which ultimately depend from claim 11 and therefore include all of the features of claim 11, it is respectfully submitted that the combination of Higuma et al. and Ishikawa et al. does not render unpatentable these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 11.

As for claims 48 and 49, which ultimately depend from claim 40 and therefore include all of the features of claim 40, it is respectfully submitted that the combination of Higuma et al. and Ishikawa et al. does not render unpatentable these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 40.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Rejection of Claims 4 to 6, 20, 21, and 45 to 47 Under 35 U.S.C. § 103(a)**

Claims 4 to 6, 20, 21, and 45 to 47 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of Higuma et al., Ishikawa et al., and U.S. Patent No. 6,669,628 ("Abe").

It is respectfully submitted that the combination of Higuma et al., Ishikawa et al., and Abe does not render unpatentable the present claims for at least the following reasons. As more fully set forth above, claims 1, 11, and 40 have been amended herein without prejudice to recite a moisture sensor disposed within an outer sheath configured to communicate sensor data corresponding to the presence of moisture within the outer sheath. As further set forth above, Higuma et al. and Ishikawa et al. do not disclose, or even suggest, a moisture sensor configured to communicate sensor data corresponding to the presence of moisture. In this regard, Abe also fails to disclose, or even suggest, this feature. As such, it is respectfully submitted that the combination of Higuma et al., Ishikawa et al., and Abe does not render unpatentable amended claims 1, 11, or 40.

As for claims 4 to 6, which ultimately depend from claim 1 and therefore include all of the features of claim 1, it is respectfully submitted that the combination of Higuma et al., Ishikawa et al., and Abe does not render unpatentable these dependant claims for at least the same reasons more fully set forth above in support of the patentability of claim 1.

As for claims 20 and 21, which ultimately depend from claim 11 and therefore include all of the features of claim 11, it is respectfully submitted that the combination of Higuma et al., Ishikawa et al., and Abe does not render unpatentable these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 11.

As for claims 45 to 47, which ultimately depend from claim 40 and therefore include all of the features of claim 40, it is respectfully submitted that the combination of Higuma et al., Ishikawa et al., and Abe does not render unpatentable these dependent claims for at least the same reasons more fully set forth above in support of the patentability of claim 40.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**V. Allowable Subject Matter**

Applicant gratefully acknowledges the indication that claims 37 to 39 are allowable. Applicant notes, however, that the Office Action Summary sheet indicates that claims 37 to 39 are objected to. In fact, Applicant maintains that claims 37 to 39 are allowable. Clarification in this regard is respectfully requested.

**VI. New Claims 50 and 51**

New claims 50 and 51 have been added. It is respectfully submitted that claims 50 and 51 add no new matter and are fully supported by the present application, including the Specification.

Since claims 50 and 51 depend from claim 1 and therefore include all of the features of claim 1, it is respectfully submitted that claims 50 and 51 are patentable over the references relied upon for at least the same reasons more fully set forth above in support of the patentability of claim 1.

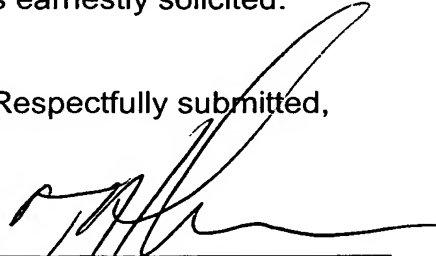
**VII. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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By:

  
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